

Article XX. Time off and Leave

Section 1. Family member

For the purposes of this article, “family member” means the employee’s child or parent (including biological, adopted, foster, or legal guardian, or de facto parent), spouse or registered domestic partner; grandparent; grandchild; or sibling. Family member includes individuals in the following relationships with the employee’s spouse or registered domestic partner: child, parent, or grandparent. Child also includes any child residing in the employee’s home through foster care, legal guardianship or custody. Family members include those persons in a “step” relationship.

Section 2. Bereavement leave

In the event of the death of an Employee’s family member, including the miscarriage or stillbirth, an Employee shall be granted time off with pay. The amount of paid time off shall be only that which is required to attend the funeral and/or make arrangements necessitated by the death, but in no event shall it exceed five (5) days. If additional time off is needed, the Employee may request the use of available vacation or sick time off. The Employee must inform the supervisor as soon as possible of the need for bereavement time off.

Section 3. Vacation Leave

- A. To the degree possible vacation leave shall be scheduled in accordance with the preference of the employee.
- B. Accrual. The vacation accrual rate is determined by the employee’s length of service. Time off accrues at the end of the month in which it is earned and is available for use the following month. Newly hired staff who start work before the 16th of the month accrue vacation time off during the first calendar month of employment. Newly hired employees who start work on or after the 16th of the month begin accruing vacation time off at the end of the second calendar month of employment.
 1. New employees shall receive their first sixty (60) hours (pro-rated for part time) of vacation time at the beginning of the month following the start of employment.

Length of Service		Vacation Time Off Accrual Rate	
Year	Month	Hours / Month	Days/Hours per Year
1st	0-12	10.00	15/120
2nd	13-24	10.67	16/128
3rd	25-36	11.34	17/136
4th	37-48	12.00	18/144
5th	49-60	12.67	19/152

6th	61-72	13.34	20/160
7th	73-84	14.00	21/168
8th	85-96	14.67	22/176
9th	97-108	16.00	24/192
10th	109-120	16.67	25/200
11th & Above	121 & Above	17.34	26/208

- C. Part Time Accrual Rates. Part-time employees accrue vacation on a prorated basis based on their full-time equivalent (FTE). Employees whose FTE changes during a calendar month accrue vacation time off based upon the average of the highest FTE held in each pay period in the month.
- D. Time Off Accrual – Effect of Unpaid Time Off. An employee does not accrue vacation hours during a calendar month in which they have taken more than ten (10) equivalent days of their FTE as unpaid time off. For 1.0 FTE, that would be eighty (80) hours; for 0.5 FTE, that would be forty (40) hours. The ten (10) days includes any holidays that an employee took without pay. In addition, employees do not earn a month of service toward a higher vacation accrual rate for every month in which they have taken more than ten (10) days of time off without pay.
- E. Time Off Accrual During an Employee's Final Month of Work. Employees who terminate from UW employment on or after the 16th of the month accrue time off for the month of termination. Employees who separate from UW employment prior to the 16th of the month do not accrue any time off for the month of termination.
- F. Vacation Scheduling. All vacation time off requests must be submitted according to departmental policy and be approved by the Supervisor prior to commencement. Additional approval may be required if applicable. The Employer will make every effort to honor vacation requests that are made in a timely manner. Paid time off balances are charged in the following order when professional staff request vacation:
1. Holiday credit
 2. Discretionary time off
 3. Compensatory time (for overtime eligible employees)
 4. Vacation time off
- G. No Cap on Vacation Time. While employees are encouraged to keep vacation time-off balances below two hundred forty (240) hours, they are allowed to carry larger balances when work obligations prevent them from using vacation time. Employees do not need extension approvals from HR in order to exceed a balance of two hundred forty (240) hours.

- H. Vacation Leave Cash Payment. Any employee who has been employed for at least six (6) continuous months, who either resigns or retires, is laid-off or is terminated by the University shall be entitled to accrued vacation pay up to two hundred forty (240) hours.
- I. Transferring between departments. When an employee transfers to employment with another department without a break in service, accrued vacation time off balances transfer with the employee and is immediately subject to the rules and limits applicable to the new employment program or employer.
- J. Employees converting to another position type. Employees who move from a bargaining unit position to academic, student, or temporary staff positions will be paid for their unused vacation time off balance to a maximum of 240 hours, provided that they have completed a minimum of 6 months' employment.

Section 4. Sick Time Off

- A. Accrual. Full-time employees (prorated for part-time) accrue eight (8) hours of sick leave for each month of completed regular monthly service. Sick leave accrues at a rate of one (1) hours for every forty (40) hours worked when leave without pay exceeds eighty (80) hours (prorated for part-time) in any calendar month.
 - 1. New employees shall receive their first forty-eight (48) hours of sick leave at the beginning of the month following the start of employment.
- B. Sick Leave Use
 - 1. Because of and during any physical or mental illness, disability or injury which has incapacitated the employee from performing required duties.
 - 2. By reason of exposure of the employee to a contagious disease during such period as attendance on duty would jeopardize the health of fellow employees or the public.
 - 3. Because of a health condition of a family member that requires treatment or supervision, or that requires the presence of the employee to make arrangements for extended care.
 - 4. Sick Leave may also be used to provide emergency child care (as defined in the Employer's Family Care Emergencies Absence Policy) or because of condolence or bereavement (Section XX.2).
 - 5. For personal medical, dental or optical appointments or for family members' appointments when the presence of the employee is required, if arranged in advance with the Employer.
 - 6. Parental leave
- C. Use of Vacation Leave or Compensatory Time Off for Sick Leave Purposes. An employee who has used all accrued sick leave may be allowed to use accrued vacation leave and/or compensatory time off for sick leave purposes when authorized by department HR. All available compensatory time must be used prior to accrued vacation leave, unless this will result in the loss of vacation time.
- D. Restoration of Vacation Leave. In the event of an incapacitating illness or injury during vacation leave, the employee's supervisor may authorize the use of sick leave and the

equivalent restoration of any vacation leave otherwise charged. Such requests shall be in writing, and a medical certificate may be requested.

- E. Sick Leave Verification. The Employer will not require verification for absences of three (3) consecutive work days or fewer. Such verification or proof may be given to the supervisor/manager or Human Resources according to departmental policy. The Employer will not make unreasonable requests for sick leave verification.
- F. Sick Leave Cash Out. Eligible employees may elect to receive monetary compensation for accrued sick leave as follows:
 - 1. In January of each year an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty (480) hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation. No sick leave hours may be converted which would reduce the calendar year end balance below four hundred eighty (480) hours. Monetary compensation shall be paid at the rate of twenty-five percent (25%) and shall be based on the employee's current salary. All converted hours will be deducted from the sick leave balance.
 - 2. Employees who separate from University service due to retirement or death shall be compensated for the unused sick leave accumulation from the date of most recent hire in a leave eligible position with the State of Washington at the rate of twenty-five (25%) and shall be based on the employee's current salary. All converted hours will be deducted from the sick leave balance.
 - 3. In accordance with state law, former eligible employees who are re-employed shall be granted all unused sick leave credits, if any, to which they are entitled at time of separation.
- G. Family Care Leave. In accordance with RCW 49.12 and WAC 296-130, employees shall be allowed to use any or all of their choice of sick leave or other paid time off to care for a family member who has a serious health condition or an emergency condition. Employees shall not be disciplined or otherwise discriminated against because of their exercise of these rights.

Section 5. Washington Family Medical Leave Program

- A. The parties recognize that the Washington State Family and Medical Leave Program (RCW 50A.04) is in effect beginning January 1, 2020, and eligibility for an approval of leave for purposes as described under that Program shall be in accordance with RCW 50A.04. In the event that the legislature amends all or part of RCW 50A.04, the parties will meet and bargain the effects of the changes.
- B. Under RCW 50A, employer provided healthcare benefits must be maintained during a PFML leave, so interspersing time off is not required provided the employee qualifies for a reason under the federal FMLA. Under RCW 50A.15.060(2), the University has elected to offer supplemental benefits in the form of sick time off, vacation time off, personal holiday, holiday credit, or holiday taken time off.

- C. Employees requesting PFML benefits through the Employment Security Department must provide notice to the University as outlined under RCW 50A.04.030.

Section 6. Federal Family and Medical Leave Act (FMLA) and Parental Leave

- A. Consistent with the federal Family and Medical Leave Act of 1993, an employee who has worked for the state for at least (12) months and for at least one thousand two hundred and fifty (1250) hours during the twelve (12) months prior to the requested leave is entitled to up to twelve (12) work weeks of leave per year for any combination of the following:
1. parental leave to care for a newborn or newly placed adopted or foster child; or
 2. personal medical leave due to the employee's own serious medical condition that requires the employee's absence from work; or
 3. family medical leave to care for a family member who suffers from a serious medical condition that requires care or supervision by the employee.
- B. The amount of family medical leave available to an employee is determined by using a rolling twelve (12) month period. The rolling twelve (12) month period measures FMLA leave availability by "looking backward" from the date an employee begins FMLA leave, adding up any FMLA leave used in the previous twelve (12) months, and subtracting that amount from the employee's twelve (12) workweek FMLA leave entitlement. The remaining amount is available to the employee.
- C. The University will continue the employee's existing employer-paid health insurance benefits during the period of leave covered by FMLA. If necessary, due to continued approved personal medical or parental leave approved beyond the FMLA period, or if the employee is not eligible for FMLA, the employee may elect to use eight (8) hours of accrued applicable paid leave for continuation of employer paid health insurance benefits for the duration of the approved leave of absence. The interspersed paid leave will be applied to the first working day of the month.
- D. FMLA leave may be taken intermittently or as part of a reduced work schedule when medically necessary.
- E. Parental leave is defined as: up to four (4) months of leave taken after the birth of a child to the employee, spouse or domestic partner, or because of the placement of a child with the employee or domestic partner through adoption or foster care. Parental leave may extend up to six (6) months, including time covered by the FMLA, during the first year after the child's birth or placement. Leave beyond the period covered by FMLA may only be denied by the Employer due to operational necessity. Extensions beyond six (6) months may be approved by the Employer.
- F. To be paid during Parental leave the employee must use accrued vacation time off, sick time off up to eighteen (18) weeks seven hundred twenty (720) hours, personal holiday, holiday credit, or compensatory time, the combination of which may be determined by the employee. Employees must use all applicable accrued leave prior to going on leave without pay.

Section 7. Faith and Conscious Time off

- A. In accordance with RCW 1.16.050, employees will have the option to take up the two (2) unpaid holidays per calendar year for a reason of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church or religious organization.
1. The Employer will allow an employee to use compensatory time, personal holiday or vacation leave in lieu of leave without pay. All requests to use compensatory time, personal holiday or vacation leave requests must indicate the leave is being used in lieu of leave without pay for a reason of faith or conscience. An employee's personal holiday must be used in full workday increments.
 2. An employee's seniority date will not be affected by leave without pay taken for a reason of faith or conscience.
 3. Employees will only be required to identify that the request for leave is for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination church or religious organization.

Section 8. Civil / Jury Duty Time Off.

- A. For the purposes of this Section, paid leave will be the salary the employee receives in their appointed position plus any additional monies (including, but not limited to shift differential and assignment pay) and benefits.
- B. Leave with pay will be granted for jury duty, to serve as trial witnesses, or to exercise other subpoenaed civil duties such as testifying at depositions. Employees are not entitled to civil leave for civil legal actions that they initiate or when named as a defendant in a private legal action that is unrelated to their University employment. The employee will notify the Employer as soon as they become aware of the need for a civil duty leave.

Section 9. Leave Related to Domestic Violence, Sexual Assault or Stalking

- A. As required by state law, and in accordance with University policy, the University will grant time and/or reasonable safety accommodations to an employee who is a victim of domestic violence, sexual assault, or stalking. Time off may also be granted to an employee who has to assist a family member who is a victim of domestic violence, sexual assault or stalking. The parties will continue to work to promote knowledge of this employee right.

Section 10. Military Leave

1. Military Leave will be approved in accordance with University of Washington Administrative Policy Statement 45.4, which is subordinate to the Uniformed Services Employment and Reemployment Rights Act, RCW 38.40, and RCW 49.77. Employees who are called to active duty in any of the uniformed services or their reserves shall receive twenty one (21) work days of paid military leave annually from October 1 through September 30. Such paid military leave shall be in addition to any compensatory time, holiday credit, vacation or sick leave to which the employee might be otherwise entitled, and shall not involve the reduction of any benefits, performance rating, privileges or base

pay. If the employee is scheduled to work a shift that begins on one calendar day and ends on the next calendar day, the employee is charged military leave only for the first calendar day.

2. Employees required to appear during working hours for a physical examination to determine physical fitness for military service shall receive full pay for the time required to complete the examination.
3. Employees who are called to active duty in one of the uniformed services of the United States or the State of Washington shall be granted a military leave of absence without pay for absence from work for up to five (5) years in addition to any time covered by the provisions of Section 28.1. During an unpaid military leave of absence, an employee is entitled to receive:
 - a. retirement benefits and service credit in accord with the provisions of the applicable retirement system;
 - b. paid medical and dental insurance if in pay status at least eight (8) hours per month
 - c. other health plan coverage at the employee's request and expense for a limited period of time as determined by the Health Care Authority;
 - d. other length-of-service credits related to employment that would have been granted had the employee not been absent; provided that the employee returns to University services at the conclusion of the leave in accord with applicable Federal and State laws related to military leave; and
 - e. any additional benefit required by then-applicable state or federal law.
4. The employee should follow the military leave of absence request process. Unless prohibited by military necessity, the University shall be provided with a copy of an employee's orders at the time the employee requests military leave. Such request shall be made as soon as reasonably practical after the employee learns of the need for such leave.
5. Following release from military service, an employee shall have the right to return to employment as provided by then-applicable state and federal law. The employee will provide a copy of employee's discharge papers and any other documentation permitted or required by military-leave laws to their supervisor and to Human Resources.
6. Employees who are spouses of members of the armed forces will be released for the provisions of the Military Family Leave Act RCW 49.77 when the service member has been notified of an impending call or order to active duty or when on leave from deployment.

Section 11. Work Related Injury Leave

1. An employee who sustains a work-related illness or injury shall be granted a disability leave of absence in accordance with federal and state law. It is the intention of the University to comply with state and federal laws regarding such absences through its policies and procedures.
2. Employees who are in leave without pay status for up to six (6) months due to a work-related injury, upon written request and proof of continuing disability, shall maintain

their seniority and progression start date. Leave without pay exceeding six (6) months without loss of seniority or change in progression start date may be granted at the option of the employing official.

3. Employees who suffer a work-related injury or illness that is compensable under the state worker's compensation law may select time loss compensation exclusively, leave payment exclusively or a combination of the two. Employees using accrued sick leave during a period in which they receive worker's compensation under the industrial insurance provisions shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.
4. The University's policies on family and medical leave, sick leave and disability accommodations apply to employees with work related injuries or illnesses.

Section 12. Miscellaneous Leave

1. Leave Without Pay. In addition to the circumstances specified elsewhere in this Agreement, the Employer, in its discretion may approve a leave without pay for the following reasons specified below. Leaves without pay must be approved or denied by the Employer in writing within fourteen (14) calendar days of the request when practicable and if denied will include the reason for denial. Approval will set a date for the employee's return to work. Modification of the return date must also be approved in writing by the Employer.
2. Leave without pay may be granted for the following reasons:
 - a. Child or elder care emergencies
 - b. Governmental service
 - c. Citizen volunteer or community service
 - d. Conditions applicable for leave with pay
 - e. Education
 - f. Formal collective bargaining
 - g. Leave taken voluntarily to reduce the effect of a layoff
 - h. Union project activities
 - i. As otherwise provided for in this Agreement
3. Leave without pay for the following reasons is not covered by this Section:
 - a. Compensable work-related injury or illness, (XX.11)
 - b. Military service (XX.10)
 - c. Leave for serious health condition taken under the provisions of the Family and Medical Leave (XX.6)
 - d. Leave authorized by the Employer as part of a plan to reasonably accommodate a person of disability (XX. Disability Accommodations)
 - e. Disability due to pregnancy or childbirth (XX.6)
 - f. Parental leave (XX.6)
 - g. Union activities (XX Union Rights)
4. **Conditions Applicable to Leave without Pay.** Employees must submit any request for a leave without pay in writing when feasible prior to the leave being used. Except as required by law, a request for leave without pay must meet the following conditions:

- a. The employee must be a permanent employee
 - b. The employee must have a bona fide intention of returning to work following the leave
 - c. The leave without pay must not, in the discretion of the University, interfere with operational needs.
5. Cancellation of Leave Without Pay. The Employer may cancel a leave without pay upon finding that the employee is using the leave for purposes other than those specified at the time of approval, or where there are extreme circumstances requiring the employee's return to work. The Employer will provide written notice to the employee that a leave without pay has been canceled. The notice will set a date for the employee's return to work. Unless mutually agreed, the employee's failure to return to work on the date prescribed will be considered job abandonment.
6. Benefits During Leave. Employees are encouraged to contact the Employer's Benefits Office (phone # 206-543-2800, benefits@uw.edu) prior to any leave without pay to understand impact on benefits and learn about other points to consider.
7. Returning Employee Rights. Employees returning to work following an approved leave without pay will be returned to the position they held prior to the leave without pay or to another position in the same classification in the same geographical area as an organizational unit. In the event the employee's position is substantially impacted during the time the employee is on leave, the employee will be notified in writing and provided a time in which to exercise any rights available pursuant to this Agreement.
8. Educational Leave. After applicable accrued leave has been exhausted, leave without pay may be granted for duration of actual attendance in an educational program.
9. Government Service Leave. After applicable accrued leave has been exhausted, leave without pay may be granted for government service in the public interest, including but not limited to the U.S. Public Health Service or Peace Corps.
10. Volunteer or Community Service Leave. After applicable accrued leave has been exhausted, leave without pay may be granted for community volunteerism or service.
11. Formal Collective Bargaining Leave. Leave without pay may be granted to participate in formal collective bargaining sessions authorized by RCW 41.80 as mutually agreed by the parties.
12. The use of leave for certain emergency services personnel will be granted in accordance with RCW 49.12.460.
13. Leave for organ donors will be granted in accordance with UW APS 45.9.

Section 13. Shared Leave

1. The purpose of this article is to inform employees of the basic provision of the leave-sharing program established by RCW 41.04.650 – 41.04.670, as now or hereafter amended. In the event that there is any question as to leave sharing eligibility, entitlement or definition of terms, the language of the Revised Code of Washington is definitive.

The leave sharing program permit eligible state employees to donate a portion of their time off to financially aid other state employees who will need to take unpaid time off or separate from employment because of:

- a. Having a severe or extraordinary illness; or
 - b. Having caregiver responsibilities for a relative or household member with a severe or extraordinary illness; or
 - c. The employee is serving as an approved emergency worker; or
 - d. When voluntarily or involuntarily serving in one of the uniformed services; of the United States, or
 - e. Being a victim of domestic violence, sexual assault or stalking, or assisting a family member who is a victim of domestic violence, sexual assault or stalking, or
 - f. Sickness or temporary disability due to a pregnancy-related medical condition or miscarriage; or
 - g. Taking parental leave to bond with and care for their newborn, adoptive or foster child, for a period of up to sixteen (16) weeks after birth or placement.
2. Shared Leave Program. The shared leave program is administered consistent with state law and University policy. Employees seeking to request shared leave or to donate shared leave to another employee will follow the request procedures that the Human Resources Department publishes for that purpose.
3. WA State Shared Leave Pool Programs. In accordance with state law and University Policy, eligible state employees may donate leave to the following shared leave pool programs:
 - a. Uniformed Services Shared Leave Pool Program
 - b. Foster Parent Shared Leave Pool Program
 - c. Veterans' In-State Service Shared Leave Pool Program